

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

_____	:	
BRIAN KEITH BRAGG, et al.,	:	
	:	Civil Action No. 10-3803 (NLH)
Plaintiffs,	:	
	:	
v.	:	O R D E R
	:	
KAREN BALICKI, et al.,	:	
	:	
Defendants.	:	
_____	:	

For the reasons set forth in the Opinion accompanying this Order;

It is on this 20th day of December, 2011,

ORDERED that Plaintiff Bragg's Motion to Reopen (docket entry 14) is hereby GRANTED; the Clerk of the Court shall reopen this case; and it is further

ORDERED that Plaintiff Bragg's Motion to Amend the Complaint (docket entry 15) is hereby GRANTED; the Clerk of the Court shall file the proposed amended complaint (the contents of docket entry 15) as an Amended Complaint; and it is further

ORDERED that Plaintiff Jose Alvarado, is hereby DISMISSED from this action; and it is further

ORDERED that the Clerk of the Court shall open a new case for Plaintiff Alvarado, assigned to the undersigned, entitled "Jose J. Alvarado v. SCO DiMatteo," and shall file the amended complaint (docket entry 15) as docket entry 1 in that case, this

Order as docket entry 2 in that case, and file Plaintiff Alvarado's application to proceed IFP (docket entries 13 and 16) as docket entries 3 and 4, respectively, in the newly created case; and it is further

ORDERED that the Clerk of the Court shall make a docket entry in Plaintiff Alvarado's newly created case noting that Plaintiff Alvarado's IFP application is denied, and shall administratively terminate and close the newly created case; and it is further

ORDERED that the Clerk of the Court shall serve on Plaintiff Alvarado a copy of this Order, the accompanying Opinion, and a blank form complaint for use in a § 1983 case; and it is further

ORDERED that if Plaintiff Alvarado wishes to reopen the newly created case, he may file the \$350.00 filing fee, along with an amended complaint, preferably on the form provided by the Clerk of the Court, asserting his personal claims; and it is further

ORDERED that, in this case, Plaintiff Bragg's excessive force claim against SCO Jackson, shall be permitted to proceed; and it is further

ORDERED that the Clerk of the Court shall amend the docket to reflect "SCO Jackson" as a defendant; and it is further

ORDERED that all other claims are dismissed from this action, without prejudice, and all defendants (besides SCO Jackson) shall be terminated; and it is further

ORDERED that the Clerk of the Court shall issue summons, and the United States Marshal shall serve a copy of the complaint, amended complaint, summons, and this Order upon the Defendant Jackson pursuant to 28 U.S.C. § 1915(d), with all costs of service advanced by the United States; and it is further

ORDERED that Defendant Jackson shall file and serve a responsive pleading within the time specified in Federal Rule of Civil Procedure 12, pursuant to 42 U.S.C. § 1997e(g)(2); and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(e)(1) and § 4(a) of Appendix H of the Local Civil Rules, the Clerk shall notify Plaintiff of the opportunity to apply in writing to the assigned judge for the appointment of pro bono counsel in accordance with the factors set forth in Tabron v. Grace, 6 F.3d 147 (3d Cir. 1993), cert. denied, 510 U.S. 1196 (1994), which sets forth the requirements for eligibility for appointment of pro bono counsel. Plaintiff is advised that such appointment is not automatic; and it is further

ORDERED that the Clerk shall enclose with such notice a copy of Appendix H and a form Application for Appointment of Pro Bono Counsel; and it is finally

ORDERED that, if at any time Plaintiff seeks the appointment of pro bono counsel, pursuant to Fed. R. Civ. P. 5(a) and (d), Plaintiff shall (1) serve a copy of the Application for Appointment of Pro Bono Counsel by regular mail upon each party at his last known address, or, if the party is represented in this action by an attorney, upon the party's attorney at the attorney's address, and (2) file a Certificate of Service with the Application for Pro Bono Counsel.

/s/ Noel L. Hillman
NOEL L. HILLMAN
United States District Judge

At Camden, New Jersey